

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6685

BILL NUMBER: HB 1084

NOTE PREPARED: Feb 22, 2010

BILL AMENDED: Feb 16, 2010

SUBJECT: Heavy Duty Vehicle Weight Limits.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) *Weight Limitations* This bill provides that the maximum weight limitation for a heavy duty vehicle that is equipped with an auxiliary power unit for climate control or electrical purposes is increased by 400 pounds.

Motor Carrier Certification: It provides that a motor carrier or an operator of a commercial motor vehicle that provides the intrastate commercial transport of one or more metal coils of a certain weight commits a Class A misdemeanor unless the operator of the commercial motor vehicle has been certified in proper load securement. The bill requires the Department of Revenue to adopt rules concerning the certification of commercial motor vehicle operators who transport one or more metal coils of a certain weight.

Repeal: It deletes a cross-reference to a repealed section.

Effective Date: Upon passage; July 1, 2010.

Explanation of State Expenditures: *Weight Limitations:* Increasing the weight limit for auxiliary power units by 400 pounds should have no fiscal impact for the State Police or the Department of Transportation (INDOT). [The Motor Carrier Enforcement Division of the State Police allows the 400 lbs. as long as the unit meets federal regulations. INDOT reports that the 400 lbs. is unlikely to impact many loads.]

(Revised) *Motor Carrier Certification:* The bill's requirements for the Department of Revenue to adopt rules concerning certification of commercial motor vehicle operators for transport of metal coils are within the Department's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues: *Motor Carrier Certification:* There are no data available to indicate how many motor carriers or commercial motor vehicle operators may initiate or terminate transport of one or more metal coils within Indiana without certification in proper load securement, a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Explanation of Local Expenditures: *Motor Carrier Certification:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Motor Carrier Certification:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: INDOT; State Police; Department of State Revenue.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Lt. Wayne Andrews, State Police, Motor Carrier Enforcement Division, 317-615-7419; Connie Ehman, State Police Motor Carrier Inspector, 317-615-7407; Bob Demuth, INDOT, 317-234-6203; Chris Kiefer, Legislative Liaison, INDOT, 317-233-3601; Jim Poe, Deputy Commissioner, Department of Revenue, 317-615-7210.

Fiscal Analyst: James Sperlik, 317-232-9866.